

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JERRY E. JOHNSON,

Petitioner

v.

CALVIN JOHNSON, *et al.*,

Respondents

Case No.: 2:22-cv-00642-JAD-DJA

**Order Denying Petitioner's Motion for  
Appointment of Counsel and Granting  
Respondent's Motion to Extend Time to  
Respond to Petition  
to November 17, 2022**

[ECF Nos. 9, 11]

Jerry E. Johnson moves the court to appoint him counsel in this habeas corpus proceeding that challenges his 2017 state-court conviction for sexual assault.<sup>1</sup> There is no constitutional right to appointed counsel for a federal habeas corpus proceeding,<sup>2</sup> but the court must appoint an attorney if (1) a case is so complex denying counsel would deny due process or (2) the petitioner's education is so limited that he is incapable of fairly presenting his claims.<sup>3</sup> Johnson offers a number of reasons that he believes counsel is necessary, including that he is facing a lengthy sentence, has no legal training, and maintains his innocence.<sup>4</sup> But his petition is sufficiently clear in presenting the issues that he wishes to bring, and the issues in this case are not particularly complex. So it does not appear that appointment of counsel is warranted here.

<sup>1</sup> ECF No. 9.


<sup>2</sup> *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993).

<sup>3</sup> *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), cert. denied, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), cert. denied, 469 U.S. 838 (1984); *Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970).

<sup>4</sup> ECF No. 9.

1 IT IS THEREFORE ORDERED that petitioner's motion for appointment of counsel  
2 **[ECF No. 9] is DENIED.**

3 And, with good cause appearing, IT IS FURTHER ORDERED that respondents' motion  
4 for extension of time to respond to the petition for writ of habeas corpus **[ECF No. 11] is**  
5 **GRANTED. The deadline to respond is extended to November 17, 2022.**

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8 U.S. District Judge Jennifer A. Dorsey  
9 October 4, 2022  
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